

EXHIBIT 7

From: [Bartell, Stephen \(ENRD\)](#)
To: [Thane D. Somerville](#); [Thomas P. Schlosser](#); [Joe Membrino](#)
Cc: [Thomas, Jeffrey Scott \(ENRD\)](#); [Brown, Carter L](#); [Bergstrom, Scott A](#)
Subject: Hoopa Valley litigation
Date: Thursday, December 15, 2022 3:07:44 PM
Attachments: [image002.png](#)

Thane, Tom, and Joe:

I'm writing in response to the Tribe's December 14, 2022 letter to the Secretary. Our previous understanding, based on our call on December 12, was that the Tribe requested that Interior commit to not proceeding with implementation of the Trinity River winter flow variability ("winter flows"), which could occur as early as December 15, or the Tribe would file a motion for a TRO. We had hoped to address your immediate concerns and obviate briefing through a TRO by committing to not implement the winter flows without providing notice to the Tribe at least 3 business days in advance. We now understand based on your December 14 letter that the Tribe's position is that it wants advance notice, and the opportunity for concurrence, before a *decision is made*, not just notice that the winter flows will be *implemented*.

As the parties agree that it is not in anybody's benefit to attempt to address the Tribe's concerns through an expedited motion for a TRO, the Interior Department advises that it is considering the Tribe's December 14 letter, and is willing to commit to give the Tribe at least 5 business days notice before any *decision* is made with respect to the Trinity River Council's vote to recommend the winter flows, and at least 10 business days notice before the *implementation* of any such decision.

We hope this commitment will allow the Tribe to forego filing a motion for a TRO this week. We propose scheduling a meeting for early next week to further discuss the Tribe's request, including – should the Tribe not accept our proposal – negotiating a briefing schedule on a PI, rather than a TRO.

Finally, although we already filed our motion for an extension of time for a fourteen-day extension to file our responsive pleading to the Tribe's amended complaint, we again request your position on our request.

I look forward to hearing back from you at your earliest convenience.

Steve



U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES DIVISION

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